

REMARKS/ARGUMENT

The abstract is objected to as containing informalities. A new abstract is enclosed on a separate paper including changes as requested in the Office Action. Entry of this new abstract and withdrawal of the objection is respectfully requested.

Pages 2-6 of the Office Action lists rules regarding the arrangement of the specification. Applicant has reviewed the present specification and believes it to be in compliance with these rules. If the Examiner feels there is an informality or other error in the specification, Applicant requests that the Examiner set forth said informality so that Applicant may respond accordingly.

Claims 69-157 are rejected on 35 U.S.C. §103 as being obvious over U.S. Patent 4,774,664 to Campbell (“Campbell”) in view of U.S. Patent 5,850,446 to Berger (“Berger”).

In order to establish a prima facie case of obviousness, the prior art references must show in combination all of the claimed limitations. See, MPEP §706.02 (j).

Among the limitations of independent claim 69 which are neither disclosed nor suggested even in the combination of the art of record are:

“said parsing processing server receiving said group of transaction data sets, determining if said group was correctly entered and, if so, sending each transaction data set in said bundle to that said financial transaction accounting system with which it is associated.”

Among the limitations of independent claim 88, which are neither disclosed nor suggested even in the combination of the art of record:

“for each verified transaction data set in said batch, transmitting transaction data comprising of at least a portion of said verified financial transaction data set to said corresponding account processor.

Among the limitations of independent claim 93 which are neither disclosed nor suggested even in a combination of the art of record are:

“said first processing server receiving said group of transaction data sets, determining if said group was correctly entered and, if so, transmitting said group as a bundle to a second processing server; and

“said second processing server sending each transaction data set in said bundle to that said financial transaction accounting system with which it is associated.”

Among the limitations of independent claim 101, which are neither disclosed nor suggested even in the combination of the art of record are:

“said breakout processor receiving said transaction data sets and determining, for each set, which financial accounting system said set is associated with as a function of said account number, said breakout processor sending each transaction data set to that said financial transaction accounting system with which it is associated.”

Among the limitations of independent claim 121 which are neither disclosed nor suggested even in a combination of the art of record are:

“at least one central processing unit executing said processing software so as to . . .

“determine, for each verified transaction data set in said batch, which of said plurality of account processors said verified transaction data set is associated with the function of said account number; and

“for each verified transaction data set in said batch, transmitting transaction data comprising of at least a portion of said verified financial transaction data set to said associated account processor.

Among the limitations of independent claim 125 which are neither disclosed nor suggested even in the combination of the art of record are:

“said first processing server receiving said group of transaction data sets, determining if said group was correctly entered and, if so, transmitting said group as a group of transaction data sets to a second processing server; and

 said second processing server determining for each transaction set in said group of transaction data sets which financial transaction accounting system said set is associated with and sending each transaction data set in said group of transaction data sets to that said financial transaction accounting system with which it is associated.

Among the limitations of independent claim 133 which are neither disclosed nor suggested even in a combination of the art of record are:

“said breakout processor receiving said transaction data sets, determining, for each set, which financial transaction system said set is associated with as a function of said information which is unique to said customer and sending each transaction set to that said financial transaction accounting system with which it is associated.”

Among the limitations of independent claim 154 which are neither disclosed nor suggested even in the combination of the art of record are:

“determining in said breakout server, for each of said financial transaction data sets in said group, which of said financial transaction accounting systems said financial transaction data set is associated with as a function of said unique information;

 and forwarding each of said financial transaction data sets in said group to that respective financial transaction accounting system said financial data set is associated with.”

The Office Action on page 8 admits that the Campbell reference does not teach the above reference limitations and points to the Berger reference at column 159, line 26; lines

61-62; and column 160, line 30-31. These portions of the Berger reference correspond to elements in the claims of Berger reciting “parsing” or “means for parsing”. There is no discussion in Berger of the processing operations referenced above - claimed in all the pending independent claims. In fact, none of the pending the independent claims, except for claim 69, even recite “parsing” and it is not entirely clear whether the Office Action asserts that the limitations referenced above for claims 88, 93, 101, 121, 125, 133 and 154 are shown in the Berger reference.

The Office Action also appears to cite “Generally Accepted Accounting Principles” as part of the rejection – though no specific accounting reference is cited and it is not clear what these Principles are asserted to teach. Applicant requests that the Examiner submit an Examiner’s affidavit indicating exactly what knowledge the Examiner asserting is known by one with ordinary skill in the art as exemplified by these “Principles” so that Applicant may have the opportunity to rebut such assertions. See, MPEP §2144.03.

Additionally, the Office Action does not set forth any motivation for combining the prior art as is required under MPEP §706.02(j). The Office Action sets forth teachings asserted to be shown in Campbell, Berger, and “Generally Accepted Accounting Principles” but there is no discussion in the Office Action for any motivation for combining any of these teachings. Without a motivation for combining the art, a *prima facie* case of obviousness cannot be made. In fact, it appears as though the Office Action is stating that one with ordinary skill in the art would have combined these references “for the purpose of incorporating applicant’s features and techniques...” See, Office Action, pages 8-9. Clearly, such analysis is based on impermissible hindsight in that it uses Applicant’s specification itself as a road map for combining the prior art.

Therefore, it is asserted that independent claims 69, 88, 93, 101, 121, 125, 133 and 154 are patentable over the combination of the art of record. Dependent claims 70-87, 89-

92, 94-100, 102-120, 122-124, 126-132, 134-153 and 155-156 are dependent upon the independent claims referenced above and include further limitations which, in combination with the respective independent claims, are neither disclosed nor suggested even in the combination of the art of record. It is asserted that these claims are patentable as well. Reconsideration or the rejection of claims 69-157 under 35 U.S.C. §103 is respectfully requested in light of the remarks above.

Dated: April 9, 2003

Respectfully submitted,

By _____
Steven S. Rubin

Registration No.: 43,063
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant

SSR/mgs

Application No.: 09/366,135

Docket No.: J2167.0105/P105

APPENDIX A
“Clean” Version of Each Paragraph/Section/Claim
37 CFR 1.121(b)(ii) AND (c)(i)

SPECIFICATION:

Please amend the Abstract as follows:

NETWORK BASED FINANCIAL TRANSACTION

PROCESSING SYSTEM

ABSTRACT OF THE DISCLOSURE

A system and method for processing financial payments including a user terminal, an account processor, and a processing server. The processing server receives financial transaction data from the user terminal and communicates with the account processor, the financial transaction data comprising an amount and an account number. The processing server determines which of the account processors corresponds to the financial transaction data and transmits at least part of the financial transaction data to the determined account processor.

Application No.: 09/366,135

Docket No.: J2167.0105/P105

**APPENDIX B
Version With Markings To Show Changes Made
37 CFR 1.121(b)(iii) AND (c)(ii)**

SPECIFICATION:

Please amend the Abstract as follows:

NETWORK BASED FINANCIAL TRANSACTION
PROCESSING SYSTEM

ABSTRACT OF THE DISCLOSURE

A system and method for processing financial payments [is provided in which there is at least one] including a user terminal, [at least one] an account processor, and a processing server. The processing server receives financial transaction data from [at least one] the user terminal and communicates with [at least one] the account processor, the financial transaction data comprising an amount and an account number. The processing server determines which of the account processors corresponds to the financial transaction data and transmits at least part of the financial transaction data to the determined account processor. [The user terminal requires no special software other than standard web browser software. The server automatically associates an account number for a transaction with the corresponding account processor and can directly or indirectly update an account processor and a general ledger, and initiate an electronic funds transfer to receive compensation from or deposit proceeds to the customer's demand deposit account.]